

26 February 1979

MEMORANDUM FOR THE RECORD

SUBJECT: Foreign Intelligence Surveillance Court
Security Procedures

1. Security issues and procedures for the Foreign Intelligence Surveillance Court were the subject of a meeting between DCI, Justice and Administrative Office of the U.S. Courts personnel held on 23 February 1979. Attendees were:

Joe Spaniel and Carl Imlay, Administrative
Office
Bob Mayer, Assistant to the Chief Justice
Fred Baron, Newall Squyres and Allan Kornblum,
Department of Justice

CIA

2. DCI Standards: We agreed that DCI policy standards on personnel, document and physical security would be incorporated by reference in the security standards for the court to be issued by the Chief Justice. We also agreed that this would be done in such manner as to allow for revisions of the current standards.

3. Clearances: In discussion of who clears whom, the consensus was that "clearance" for judges on the court would be inherent in their appointment by the Chief Justice, and that the results of personnel security investigations on prospective judges would be reviewed by the Chief Justice in consideration of DCI standards. Mr. Squyres argued in favor

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of such an approach in the interests of having the Chief Justice's security procedures serve as a "pledge" reassuring all concerned that judges would meet reasonable security standards. Mr. Squyres further argued that court staffers differed from judges, and that different procedures would be appropriate for their clearance. I raised the possibility of requiring polygraph examinations for court staffers. This was clearly troublesome to the Justice and Administrative Office representatives. Mr. Squyres noted that he, as a Justice official, was not required to take such examination although he had regular access to the sensitive material that the court would handle by referral from the Attorney General. The consensus was that staffers would be investigated and cleared by the executive branch.

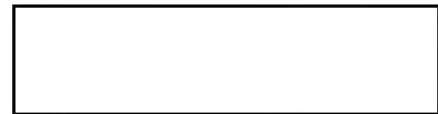
4. Court Personnel: Administrative Office representatives, supported by those from Justice, were strong in insisting that personnel supporting the court must be regular employees of the Administrative Office. [] argued that they should be executive branch in affiliation for purposes of security control. Mr. Mayer, acknowledging that he did not yet have adequate data on workload, said he saw a need for from 5 to 6 staffers to support the court. He, with Messrs. Spaniel and Imlay, said they saw a clear need as well for a legal adviser to the court. Mr. Squyres argued against that, contending that the proposal to give such an official regular access to all applications, etc. coming before the court would risk having him become a surrogate for the court itself. He suggested that this proposal be held in abeyance; that the need for such services be tested in actual practice; and that adjustments be made later if found necessary. Mr. Squyres suggested that consideration be given to designating a law clerk - perhaps from the D.C. Circuit - who would be cleared to assist judges on the court when required.

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5. Security Officer: Discussion initiated in the meeting and continued afterwards with the Justice representatives resulted in clear agreement that the Chief Justice's procedures would specify that the court would use a security officer who would be an executive branch employee.

6. Court Premises: It was agreed that the court would use the secured vault area in the Department of Justice building as its premises, and that court records would be stored there.

7. Miscellaneous: There will be no chief judge as such, since the statute doesn't provide for that. The apparent need to have one judge on the court serve as a focal point for issues could be met by having the Chief Justice designate one as presiding judge. The administrative office representatives were quite receptive to having the court security procedures specify stringent document security controls, as well as those for personnel and physical security. Mr. Squyres said he'd arrange for the administrative office representatives to be cleared quickly so they could be given access to anticipated workload data.



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DCI Security Committee

cc: OGC [redacted]
O/SA/DCI/CI [redacted]

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